

**LOUISVILLE METRO COUNCIL MEETING
REGULAR MEETING
JUNE 11, 2009
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President Tandy called the **June 11, 2009** Regular Meeting of the Louisville Metro Council to order at 6:00 PM. He asked all to rise and join in the Pledge of Allegiance to the Flag.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
PRESIDENT DAVID TANDY: PRESENT
CHERI BRYANT HAMILTON: PRESENT
GEORGE UNSELD: PRESENT
KEN FLEMING: PRESENT
TOM OWEN: EXCUSED ABSENCE
TINA WARD-PUGH: PRESENT
JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: EXCUSED ABSENCE
GLEN STUCKEL: PRESENT
JON ACKERSON: PRESENT @ 6:08 PM
HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT
DOUG HAWKINS: PRESENT @ 6:15 PM
BRENT ACKERSON: PRESENT

CLERK: There are 24 members present establishing a quorum.

PRESIDENT TANDY: Thank you, Madam Clerk. Please cause the record to reflect that Councilmen Owen and Downard have excused absences. . Councilmen Jon Ackerson and Doug Hawkins are in route

ADDRESSES TO COUNCIL:

PRESIDENT TANDY: The next item of business is our addresses to the Council. Madam Clerk, are there any addresses to the Council?

CLERK: Yes sir.

Celeve Izean-Degrees overseas degrees not accepted in US

Deborah O’Gorman – Housing issue

Lucy Lee – Exploited Children’s Health Organization

Ray Pierce – Saving money for Metro

Paul Holliger – MSD Rate Increase

Ron Seiter – Anti-litter ordinance - Against

CLERK: That concludes the addresses to council.

PRESIDENT TANDY: Thank you, Madam Clerk.

INTRODUCTION OF GUESTS:

PRESIDENT TANDY:

Next we have guests. Councilman Blackwell, do you have any guests?

COUNCILMAN BLACKWELL: Thank you, Mr. President. Mr. President, I have with me tonight, Alex Deats, who is a resident of District 12 and is also, more importantly for today, is achieving the rank of Eagle Scout, and his ceremony will actually be on June 24th.

So I have a couple of things tonight. One, I have from -- a proclamation from the mayor that proclaims June 24th, 2009, as Eagle Scout Alex Clark Deats Day, so I will give that to him from the mayor. And I also have -- also from the Mayor's office, I also have the official key to the city, which really doesn't get you into anything.

And then last I have, from the Council, I have a proclamation that I'll just read here. And because it describes what Alex did as part of his project for the Eagle Scout, so it's -- I'll just read this.

To all whom these letters shall come, Greetings
Know ye, that the Louisville Metro Council
hereby recognizes and honors:

Alex Clark Deats

For achieving the rank of
Eagle Scout

In recognition of his outstanding contributions to our community and dedicated service to the Boy Scouts of America, Troop 207

His Eagle Scout Project, the revamping of the back yard of the parish office and rectory at St. Lawrence Catholic Church, included repairing over 30 holes in the ground, tilling and leveling the yard, as well as spreading 500 square feet of gravel in addition to 500 square feet of stone pavers. Finally he planted grass seed and repositioned the fence, thus, enhancing the appearance and usefulness of the yard, providing a more attractive place for parish staff, guests and parishioners.

These privileges and responsibilities thereunto appertaining,
in testimony whereof, we have caused these letters to be made, and hereby confer, this honor with all rights and the official seal of the Louisville Metro Government to be hereunto affixed.

Done in Louisville,

On this 11th day of June, 2009

/s/ Rick Blackwell

Alex, I want to congratulate you on your hard work in getting that all together to become an Eagle Scout. We want to congratulate you today.

Also point out that Alex is joined by his parents, Donna and Dick Deats, and his grandparents are also in the audience as well, and a number of his troop members back there, as you can see. You can probably point them out on your own. Thank you.

PRESIDENT TANDY: And all right. Alex, we thank you for being here and for the work that you're doing. For the parents, we thank you for raising such a fine young man. And to the grandparents for raising the parents. You can tell this actually progresses. To our scouts that are here watching us, welcome. We always are glad to have people from the community come forward and see how democracy works in Jefferson County. And please don't make this the last time you come and visit us.

APPROVAL OF COUNCIL MINUTES:

PRESIDENT TANDY: Our next item of business is the approval the Council Minutes for the Special Meeting of May 28, 2009. Are there corrections or deletions?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN KING: Second.

PRESIDENT TANDY: Properly moved and seconded. We have the minutes before us.

All in favor say aye.

ALL PRESENT: AYE

Opposed?

The ayes have it.

The minutes are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT TANDY: The next item is approval of the following committee minutes.

Regular: Appropriations, NDFs and CIFs – June 4, 2009

Regular: Budget – June 3, 2009

Regular: Labor & Economic Development – June 4, 2009

Regular: Government Accountability and Oversight – May 27, 2009

Regular: Planning/Zoning, Land Design and Development – June 2, 2009

Special: Public Safety – June 2, 2009

PRESIDENT TANDY: Are there any corrections or deletions?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: Properly moved and second. We now have the minutes before us.

All in favor say aye.

ALL PRESENT: AYE

PRESIDENT TANDY: All opposed?

The ayes have it.

The minutes are approved as written.

COMMUNICATIONS FROM THE MAYOR:

PRESIDENT TANDY: Next we have item of business is communications from the Mayor. Madam Clerk are

there any communications from the Mayor.

THE CLERK: Yes, sir.

June 8, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Deputy Sheriff Merit Board Ordinance, I am re-appointing the following to the **Deputy Sheriff Merit Board**.

Name		Term
Claus Behr	Re-appointment	June 13, 2011
James Rosendaul	Re-appointment	June 13, 2011

Your prompt action on these appointments is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

June 8, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Vacant Property Review Commission Ordinance, I am appointing David J. Dutschke to the **Vacant Property Review Commission Board**. This term will expire on July 31, 2009.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

**TO: DAVID TANDY, PRESIDENT
METRO COUNCIL**

**FROM: CHARLES C. CASH, JR., DIRECTOR
PLANNING AND DESIGN SERVICES**

**SUBJECT: ARCHITECTURAL REVIEW COMMITTEE
MAY 20, 2009**

. In accordance with the Landmarks Commission Ordinance, the Commission has appointed the following member of the referenced **Architectural Review Committee (ARC)**:

1. Ms. Carolyn S. Brooks, owner-resident within the district as a new appointee to the Cherokee Triangle ARC.

By ordinance, these are Landmarks Commission, not mayoral appointments, and require Metro Council approval. Also by ordinance, committee members serve indefinite terms.

M.C.O 32.253 (C) "Each committee shall consist of seven (7) members, one of whom shall be the Director of Inspections, Permits, and Licenses or his designee, two (2) shall be members of the commission appointed by the commission chairman, and four (4) members who shall be appointed by the commission and approved by the Metro Council.

In the case of a committee established for a district, no fewer than two (2) members shall be owner-residents or tenants within such district, one member shall be a real estate professional, one (1) member shall be an architect, a and one (1) member shall be the owner of income producing located within the district.

All members shall have a keen interest in local landmarks districts preservation. Members appointed by the Commission shall serve at the pleasure of the Commission.

Your prompt action on this appointment is most appreciated.

CC: Pat Mulvihill, Assistant County Attorney
Robert Vice, Chairman, Landmarks Commission
David Marchal, Construction Review Manager
Shannon Tivitt, Chief of Staff
Rhonda Williams, Administrative Assistant

PRESIDENT TANDY: Thank you, Madam Clerk these items will be referred to the Contracts and Appointments Committee for further consideration.

CONSENT CALENDAR:

PRESIDENT TANDY: The next item on our agenda is the content calendar. The Consent Calendar consists of items 10 through 15. Are there any additions or deletions? Seeing none, Madam Clerk a reading of these items.

Hearing none, Madam Clerk, a second reading of these items.

10- R-87-05-09 A RESOLUTION OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO") AUTHORIZING THE MAYOR TO FORGIVE CERTAIN LOANS TO ROOSEVELT PARTNERS, LTD., AND TO ASSIGN CERTAIN MORTGAGES HELD BY METRO TO NEW DIRECTIONS HOUSING CORPORATION ("NDHC").

Status: On Council Agenda - Consent Calendar

Committee: Budget

Primary Sponsor: David Tandy

11- O-86-05-09 AN ORDINANCE APPROPRIATING \$10,000 FROM THE DISTRICT 7 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE STAGE ONE: THE LOUISVILLE CHILDREN'S THEATRE, INC. TO PURCHASE A SPORT UTILITY VEHICLE, WHICH IS TO BE USED EXCLUSIVELY FOR TRAVEL ASSOCIATED WITH THEATER PRODUCTION.

Status: On Council Agenda - Consent Calendar

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Kenneth C. Fleming

12- O-87-05-09 AN ORDINANCE APPROPRIATING \$7,200 FROM DISTRICT 9 NEIGHBORHOOD DEVELOPMENT FUNDS TO THE DEPARTMENT FOR HOUSING AND FAMILY SERVICES TO FUND SERVICES TO METRO LOUISVILLE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.

Status: On Council Agenda - Consent Calendar

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Tina Ward-Pugh

13- O-85-05-09 AN ORDINANCE APPROPRIATING \$5,612 FROM DISTRICT 14 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR PLAYGROUND EQUIPMENT AND TABLES AT JOHNSONTOWN ROAD ELEMENTARY SCHOOL.

Status: On Council Agenda - Consent Calendar

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Robert Henderson

14- O-91-05-09 AN ORDINANCE APPROPRIATING A TOTAL OF \$8,000 WITH \$3,000 EACH FROM DISTRICTS 17 AND 7 AND \$2,000 FROM DISTRICT 16 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE LYNDON FIRE PROTECTION DISTRICT FOR REFURBISHING A VEHICLE.

Status: On Council Agenda - Consent Calendar

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Glen Stuckel

Kelly Downard

Kenneth C. Fleming

15- R-65-04-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT ADDITIONAL FUNDING PURSUANT TO THE FEDERAL WORKFORCE INVESTMENT ACT THROUGH THE KENTUCKY EDUCATION AND WORKFORCE DEVELOPMENT CABINET FOR VARIOUS INITIATIVES TO BE USED BY THE KENTUCKIANA WORKS DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT TO FURTHER THESE PROGRAMS.

Status: On Council Agenda - Consent Calendar

Committee: Labor & Economic Development

Primary Sponsor: Mary Woolridge

PRESIDENT TANDY: Is there a motion to approve?

COUNCILMAN PEDEN: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: Thank you. The item is properly moved and seconded.

The consent calendar requires a roll call vote. Madame Clerk, please open the voting. Voting is closing. The voting is closed.

Voting result: Consent Calendar

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: EXCUSED ABSENCE

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: EXCUSED ABSENCE

GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 24 yes votes and 2 members not voting; Councilman Owen and Councilman Downard.

PRESIDENT TANDY: **The consent calendar passes.**

OLD BUSINESS:

PRESIDENT TANDY: The next item of business is item number 16. Madam Clerk, a reading of this ordinance.

16- O-81-05-09 AN ORDINANCE APPROPRIATING A TOTAL OF ~~\$6,500~~ ~~\$9,250~~ \$11,500 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$1,500 FROM DISTRICTS 12 AND 13, ~~\$1,000 FROM DISTRICT 24, AND~~ \$500 FROM DISTRICTS 2, 3, 4, AND 22, ~~15,~~ \$1000 FROM DISTRICTS 24, 7, 15 16 AND 17, \$500 FROM DISTRICT 22, ~~\$500~~ \$1250 FROM DISTRICT 9 AND \$250 FROM DISTRICT 1 THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR THE PURCHASE OF LAPTOP COMPUTERS FOR THE WESTPORT AND SOUTH PARK TAPP SCHOOLS [AS AMENDED].

Status: In Committee - Tabled

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Rick Blackwell
Barbara Shanklin
David Tandy
Madonna Flood

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: Properly moved and seconded we now have the committee amended ordinance before us. Is there any discussion, Councilman Engel?

COUNCILMAN ENGEL: Thank you, Mr. President. The Appropriations Committee had some amendments to this funding. \$1,000 from District 7, 15, and 9 to bring that total up to \$11,500 for the Tapp program, and I suspect there potentially may be some additional amendments, but I would love to yield to Councilman Blackwell. I believe this is where this came, and I think he may have a little bit -- a little discussion on it. Thank you.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President. I just, very briefly, would just like to encourage anyone who is not already onboard to consider. Jay Bittner, who coordinates this program, when she turned in the initial paperwork, she's always -- tries to be very conservative with what she's asking for in the hopes that she'll be able to get the -- the total amount. There's -- there is still more that could be used if we could get above. In fact, she justified the other day that while she was only asking for 10 in the original paperwork, it was only because that's what she thought we might be able to come up with. So she could use up to 15. So if anyone wants to add to this, just to remind you that it's part of the SMART program, which is a wonderful program that's driven with very hard data that Jay shared with us, and if anybody needs that, we'll be happy to get that to you as well. But it's a very successful program. Jay's with us tonight, as is one of the actual project students, who is now successfully working at the university level.

And what it does is to put the laptops into the hands of these young women who have found themselves in a pregnancy and has chosen to have the child and to continue to not only take care of the child but also to continue to work on their education beyond the high school level. And each of those who receive these computers are already in place in the university, and so I would encourage you. It's an excellent program to continue to support these young women as they move forward, both for themselves and for their -- and for their children.

PRESIDENT TANDY: Is there any further discussion? Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I have signed on to this program; however, I do have a question of the sponsor. Public use. I'm just wondering really how did we do this? Because I mean, I have schools in my district, and you know, they're requesting things that will not actually be used for public use, but basically will be used for personal use to take home. As a matter of fact, it's the Mill Creek Leadership Academy has requested laptop computers, and I got -- although I signed on to this paperwork, I'm kind of questioning if we can, in fact, do this. Can somebody address that?

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you. I'd be happy to. Actually, that's why this was held up in committee the last -- the last meeting that we had because there was -- that question was raised. And the County Attorney first sent us an email to all the committee members suggested that it was, in fact, legal, and then second, that's why we had Jay and the young women to come to talk about the program and how -- and the public use.

Basically, it's the -- the laptops aren't used exclusively by the school -- by students at the school within the school. I think that's where we become -- that's where it becomes an issue for us legally because if we do that, if we fund computers that are in the school that are only used by students of the school, then we get into that legal issue of -- of using our funds for something that already has its own tax base. This program is beyond the school, though, and is more of a program -- more of a function of the program that takes these young women beyond the high school and into the university setting, and I think that's the distinction that's made. If that helps.

PRESIDENT TANDY: Councilwoman Welch.

COUNCILWOMAN WELCH: Thank you, Mr. President. One thing I would like to add is that recently, I had hosted a group of 30 other mayors and council people from all over the United States in the National League of Cities Human Development Steering Committee here in Louisville, and one of our issues was the teenage pregnancy problem throughout the United States, which is growing instead of decreasing. And the Tapp school -- all those these girls have already become pregnant, are pregnant, or have had their babies once -- what they do at the Tapp school is empower these women to increase their self-esteem, to let them know that they are responsible citizens now for their baby, and what this SMART program is doing is getting them up off the welfare rolls. They're going to become such wonderful mothers and people in our society with great careers, and in turn, they're going to teach their babies that as they become children and young women and young men. And I think this is a wonderful

program. I think it's something that it's an empowerment program that we should probably have in every middle school in our system to teach them these same values before they get in the position of being pregnant, to empower them and to let them know that, you know, there are other things out there with their own careers and education and so forth.

But I want to thank Jay. They had a wonderful lunch, a wonderful presentation for the 30 people that we brought there. They were just blown away by what we have here as a national model. We are so fortunate to have this here. We don't even realize how fortunate we are. In fact, they have taken this model to -- one of the other Councilmen that were there, he was from Georgia, I believe. They have already taken it there and started it five years ago in their community. So this is something that they are willing to take other places and teach other communities to help our whole country. So I'm very proud to have that at the South Park Tapp school in my district, and thank you, Jay, so much for being here tonight, and good luck.

PRESIDENT TANDY: Councilman Henderson.

COUNCILMAN HENDERSON: I'm very much convinced, and I'd like to amend to be able to put \$500 on it. Thank you, Mr. President.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: District 10 would like to amend for \$500 also.

PRESIDENT TANDY: Anyone else? Councilman Unsel.

COUNCILMAN UNSEL: District 6, \$500.

PRESIDENT TANDY: Councilman Benson.

COUNCILMAN BENSON: Thank you. District 20, \$500.

PRESIDENT TANDY: Any additional amendments?

COUNCILMAN BLACKWELL: I move those amendments.

COUNCILMAN KING: Second

PRESIDENT TANDY: All right. It's been properly moved and seconded. We now have those amendments before us. Any discussion on the amendments? Seeing none, all in favor, please signify by saying aye.

ALL PRESENT: AYE

All opposed. The ayes have it. The amendment passes. We now still have the amended version of the ordinance before us. Any further discussion? Councilman Blackwell.

COUNCILMAN BLACKWELL: Yeah, just real briefly, I forgot -- I should follow my notes which I made before I started speaking, but I didn't. Just also wanted to mention that this program also gets -- the SMART program also gets federal funding and as well as state funding, and one of our former colleagues, Ron Weston, has been instrumental in making that happen on the state level, so just wanted to mention that as well. Thank you.

PRESIDENT TANDY: All right. Councilwoman Green.

COUNCILWOMAN GREEN: I just have a question, and we may have covered this in Appropriations, but is there anything, Councilman Blackwell, for the boys that get these girls pregnant? Jay, maybe you can talk to me afterwards to let me know because I would be interested in helping to sponsor something for the young men.

COUNCILMAN BLACKWELL: Sounds like they're going to take that up afterwards because I don't have an answer to that.

PRESIDENT TANDY: All right. Any further discussion? Seeing none, this is an ordinance, calling for a roll call vote. Madam Clerk, please open the voting.

VOTING RESULT – ITEM 16

JUDY GREEN: YES

BARBARA SHANKLIN: YES
 MARY WOOLRIDGE: YES
 PRESIDENT DAVID TANDY: YES
 CHERI BRYANT HAMILTON: ABSENT-NOT VOTING
 GEORGE UNSELD: YES
 KEN FLEMING: YES
 TOM OWEN: EXCUSED ABSENCE
 TINA WARD-PUGH: YES
 JIM KING: YES
 KEVIN KRAMER: ABSENT-NOT VOTING
 RICK BLACKWELL: YES
 VICKI WELCH: YES
 BOB HENDERSON: YES
 MARIANNE BUTLER: YES
 KELLY DOWNARD: EXCUSED ABSENCE
 GLEN STUCKEL: YES
 JON ACKERSON: YES
 HAL HEINER: YES
 STUART BENSON: YES
 DAN JOHNSON: YES
 ROBIN ENGEL: YES
 JAMES PEDEN: YES
 MADONNA FLOOD: YES
 DOUG HAWKINS: YES
 BRENT ACKERSON: YES

CLERK: There are 22 yes votes and 4 members not voting, Council members Hamilton, Owen, Kramer and Downard.

PRESIDENT TANDY: **The ordinance as amended passes.**

Next item of business is item number 18. Madam Clerk, a second reading of this ordinance.
 17. I'm sorry. Excuse me.

17- O-77-05-09 AN ORDINANCE APPROPRIATING A TOTAL OF \$12,875.00 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, ~~\$1,675.00~~ \$1,475.00 FROM DISTRICTS 15, 13, 21, 6, AND 12; \$1,000.00 FROM DISTRICTS 3, 14, 10, 26, AND 18; \$500.00 FROM DISTRICT 22, THROUGH THE LOUISVILLE METRO PARKS DEPARTMENT FOR MOVIES SHOWN AT THE IROQUOIS AMPHITHEATER DURING THE SUMMER AND FALL MONTHS OF 2009. (AS AMENDED)

Status: On Council Agenda - Old Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor:

Marianne Butler
 Brent Ackerson
 Dan Johnson
 George Unsel
 Jim King
 Jon Ackerson
 Rick Blackwell
 Robert Henderson

Vicki Aubrey Welch
Robin Engel
Mary C. Woolridge

PRESIDENT TANDY: Is there a motion?
COUNCILWOMAN WOOLRIDGE: So moved.
COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the committee amended version before us. Is there any discussion? Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. President. It is summertime, and therefore, the movies at Iroquois Amphitheater are rolling right along. This was amended in committee. We added a thousand dollars from District 25, and we also reduced the cost from Districts 15, 13, 21, 6, and 12 from \$1400 -- \$1475 to \$1275, and I would like to yield to Councilwoman Butler to kind of tell us what's happening out there.

PRESIDENT TANDY: All right. Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President, chair. Actually, it was in committee we added a thousand dollars from District 3. That was the committee amendment. Tonight's amendment is adding a thousand dollars from District 25.

COUNCILMAN ENGEL: Stand corrected. Excuse me.

COUNCILWOMAN BUTLER: So with tonight's amendment, we will take a thousand from District 25. That will change District 13, 6, and 12 to \$1,275. District 21 will go to zero, and District 15 will go to \$2550. I make that as a motion.

PRESIDENT TANDY: The motion has been made. Is there a second?

COUNCILMAN KING: Second

PRESIDENT TANDY: The amendment has been properly moved and seconded. So we have that amendment before us. Is there any discussion on the amendment? All right. Seeing none, all in favor, please signify by saying aye.

ALL PRESENT: AYE

All opposed. The ayes have it and the amendment passes. We now have the amended ordinance before us. Is there any further discussion on the -- on the ordinance? Seeing none -- oh, Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Mr. President, I want to know why we couldn't do it in our own districts. Can we also send that funding to Metro Parks to do it in our districts? I'm asking somebody. Instead of just Iroquois?

PRESIDENT TANDY: Just for point of just information, there's nothing stopping anyone from -
-

COUNCILWOMAN SHANKLIN: No, what I'm asking is can't I put on money to send to my area?

PRESIDENT TANDY: You're saying attached to this? No. No.

COUNCILWOMAN SHANKLIN: You can't? It has to be a separate ordinance?

PRESIDENT TANDY: Right.

COUNCILWOMAN SHANKLIN: All right. Thank you.

PRESIDENT TANDY: All right. Any further discussion? Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you. I just want to thank everyone that signed on to this. This is our third year of doing it. The movies run the second Saturday of each month at 9:00. We've got four more left for the year. This Saturday is one of them, **Yes Man**, and Councilwoman Tina Ward-Pugh's coming. Concession stands are open, and we encourage you to come. Last time we had I would say over 300 people there, and hopefully it'll just keep growing. And people can come and see what a great place the amphitheater is. So thank you.

PRESIDENT TANDY: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Mr. President, I just wanted to say to Councilwoman Shanklin that I believe Councilwoman Hamilton, she has movies in the park, she do it in her park, Shawnee Park, so if she has a park, she probably can do it just the way Councilwoman Hamilton does it. That's just FYI for her. Thank you.

PRESIDENT TANDY: All right. Any further discussion? Seeing none, this is an ordinance, calling for a roll call vote. Madam Clerk, please open the voting

VOTING RESULT – ITEM 17

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: ABSENT-NOT VOTING

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: EXCUSED ABSENCE

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: ABSENT-NOT VOTING

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: EXCUSED ABSENCE

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: YES

CLERK: There are 22 yes votes and 4 members not voting, Council members Hamilton, Owen, Kramer and Downard.

PRESIDENT TANDY: **The ordinance as amended passes**
Next item of business is item number 18. Madam Clerk, a reading of this ordinance.

18- O-89-05-09 AN ORDINANCE CHANGING THE ZONING FROM M-2 INDUSTRIAL TO C-3 COMMERCIAL ON PROPERTY LOCATED AT 803-805 AND 809 W. MAIN STREET AND 112 N. 8TH STREET, CONTAINING A TOTAL OF 0.5 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 11047). (8-7-09)

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

PRESIDENT TANDY: Is there a motion?
COUNCILWOMAN WOOLRIDGE: So moved.
COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the ordinance before us. Is there any discussion? Councilman Stuckel.

COUNCILMAN STUCKEL: Thank you, Mr. President. This is a down zoning of some properties on Main Street that are going to be renovated into the headquarters for the Sons of the American Revolution and will contain a museum and also a genealogy library. It'll also have an events roof on it. And in our committee, we talked about things like the parking and the front and rear facades, and it did go through an architectural review, was approved by them, was heard by the Planning Commission on May 7th. Nobody spoke in opposition that came to us, unanimous vote, and we are sending it to the Council with a recommendation for acceptance. And Mr. President, this is in your district, and you may want to comment on it.

PRESIDENT TANDY: I can't comment on it.
COUNCILMAN STUCKEL: Oh, you can't. You're the chair. You can step down.

PRESIDENT TANDY: I'm good. Thank you.
Any further discussion? All right. Seeing none, this is an ordinance, calling for a roll call vote. Madam Clerk, please open the voting.

VOTING RESULT – ITEM 18

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: ABSENT-NOT VOTING
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: EXCUSED ABSENCE
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: ABSENT-NOT VOTING
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: EXCUSED ABSENCE

GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 22 yes votes and 4 members not voting, Council members Hamilton, Owen, Kramer and Downard.

PRESIDENT TANDY: **The ordinance passes.**

Next item of business is item number 18 -- excuse me -- item number 19. Madam Clerk, a reading of this ordinance

19- O-90-05-09 AN ORDINANCE CHANGING THE ZONING FROM M-2 INDUSTRIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 3801 FRANKFORT AVENUE, CONTAINING A TOTAL OF 0.15 ACRES, 0.02 ACRES OF WHICH IS LOCATED IN THE CITY OF ST. MATTHEWS AND THE REMAINDER OF WHICH IS WITHIN LOUISVILLE METRO (CASE NO. 11513). (8-7-09)

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN BUTLER: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the ordinance before us. Is there any discussion? Councilman Stuckel.

COUNCILMAN STUCKEL: Thank you, Mr. President. This, again, is a down zoning on a narrow strip of property that is adjacent to a very famous night spot in St. Matthews, frequented by Councilwoman Tina ward Pugh.

COUNCILMAN STUCKEL: Anyway, it came to us with a unanimous vote from the Planning Commission, and it was, again, heard on the 7th of May. The items that we discussed were the parking, the sidewalks, and there were some improvements to a dilapidated wall that's adjacent to the railroad tracks, and we voted to come to the Council with a unanimous vote. So perhaps Councilwoman would like to comment on this.

COUNCILWOMAN WARD-PUGH: Yes, Mr. President. Thank you. It is Gerstle's. It is in the 9th District. Yeah, they have expanded into part of the same space next to it, and as a partnership with the St. Matthews City Council, in the Ninth district, we're going to be providing some funding to have, finally, a public sidewalk that separates the traffic, the cars that pull in directly one way in, parallel parking, and one way out, and a sidewalk that's separated in between all that. And heading on down the railroad tracks to the Masonic Home.

Appreciate that this is a down zoning, and while I haven't taken a public position on the matter, I'd encourage your vote for it tonight. Thank you.

PRESIDENT TANDY: Any further discussion? All right. Seeing none, this is an ordinance, calling for a roll call vote. Madam Clerk, please open the voting.

VOTING RESULT – ITEM 19

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: EXCUSED ABSENCE
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: ABSENT-NOT VOTING
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: EXCUSED ABSENCE
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 23 yes votes and 3 members not voting, Council members Owen, Kramer and Downard.

20- O-63-04-09 AN ORDINANCE REQUIRING THAT THE DELIVERY OF UNSOLICITED WRITTEN MATERIALS TO A PREMISES BE PLACED IN A DISTRIBUTION BOX, ON THE FRONT PORCH, SECURELY ATTACHED TO THE FRONT DOOR OR EXTERIOR OF A MAILBOX, OR BETWEEN THE EXTERIOR AND INTERIOR FRONT DOOR. (AS AMENDED)

Status: On Council Agenda - Old Business

Committee: Public Safety

Primary Sponsors:

Brent Ackerson
Jon Ackerson
Jim King
Robert Henderson
Marianne Butler
Vicki Welch
Rick Blackwell

James Peden
Kelly Downard
Tina Ward-Pugh
Madonna Flood

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the committee amended version before us. Is there any discussion? Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President. This was heard in committee for an entire month, and there's been much discussion amongst ourselves and through the media. And I think one of the most important parts that we remember when we're looking at this ordinance that this is not to prohibit anyone from distributing written material. All that we are asking is it be done in a respectful and thoughtful manner to the residents and the taxpayers of this community so that we are not spending additional taxpayer dollars cleaning up litter.

There were two amendments in the committee that I wanted to make sure that folks understood. There was a sixth whereas that was added in as a response to Councilman Heiner that raised that *this ordinance does not in any way derive or diminish a private property owner's right to protect his or her premises from unsolicited or unwanted written material*. And also, on the very last statement, there was a section two that was added or changed to say that this ordinance shall take effect -- *take effect upon 30 days after its passage and approval*. Those were the committee amendments. And I'd like to yield the floor, if I can, Mr. President, to Councilman Brent Ackerson, who has a couple more amendments.

PRESIDENT TANDY: All right. Councilman Ackerson.

COUNCILMAN ACKERSON: Thank you, Mr. President. Yes, we do have a few other amendments here today. One is everyone does have a copy of this. Both have been given out hard copy and it's on your SIRE system. On the title of the ordinance, due to postal regulations, we are going to remove the language of the exterior of the mailbox and adding the language of through a mail slot, additionally adding the language of "or personally with the owner."

An additional amendment that I am putting forward is on 1-D, we are removing the language that talks about being secured to the exterior of the mailbox, and again, because of postal regulations, we don't want the pieces to be affixed to the mailbox. We are going to be adding in language, though. D is going to change. It's going to say *through a mail slot on the front door or principal structure if existent as permitted by the United States Postal Service, section 508, recipient services, subsection 3.1.2*. Additional amendment tonight is going to be in furtherance of Councilman Heiner's concern of making sure that folks know that this ordinance does not affect their property rights, we are adding a section 2 that *notwithstanding section 1 above, an owner, leasee, or occupant maintains the right to restrict entry to his or her premises*.

At this time, I would move those amendments be added. I think additionally, I would yield back to Councilwoman Flood for an additional amendment pertaining to severability.

PRESIDENT TANDY: Are there more amendments that are going to be made so we can just bundle them together without objection? So before we accept the motion to accept them, I'll go to Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President. Yes, we are adding a section 7 titled "severability" and as this council well knows, we have always added a severability clause so that if any portion of the ordinance is held in abeyance by a court that we are not prohibited from enforcing the rest of the ordinance. That was the intent of this Council in many cases, as

it is with this ordinance, but somehow through the amount of drafting, it was precluded. So if I could, I will read the severability clause in the record.

If any provision clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this chapter, which can be given effect without the invalid provision or the application, and to this end, the provisions of this ordinance are declared to be severable.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: You move those amendments? Those amendments have been moved, been properly seconded by Councilwoman Ward-Pugh. We now have the amendments before us. Is there any further discussion on the amendments? Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I would like to offer a friendly amendment to the sponsor. In section 2, it says the ordinance shall take effect 30 days after its passage and approval. I'd like to offer a motion that we change the 30 days to 60 days after passage and approval.

PRESIDENT TANDY: That is offered as a friendly amendment. Does the author of the amendment accept?

COUNCILMAN B ACKERSON: I do, yes.

PRESIDENT TANDY: So without objection, we'll accept that amendment as a friendly amendment and have that before us. Is there any further discussion on the amendment? Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. I just want to ask a question of the sponsor in terms of the terms "through a mail slot on the front of the door or principal structure if existent as permitted by the U.S. Postal Service."

So a solicitation can be put through the mail slot and is permitted by postal service, and if that's the case, it would be interesting to see what the logic is between the slot in the door and a mailbox, if you cannot put something on the mailbox, why can you put something through the door? That might be beyond the scope of this discussion, but I find it rather ironic.

PRESIDENT TANDY: Councilman Ackerson.

COUNCILMAN B ACKERSON: Thank you, Mr. President. I too had that question of the U.S. Postal Service. Their point is the mail box is a box, the moment it's placed on the outside of the premises, that's their property. However, a slot is specifically excluded in the cited regulation here, and their theory on that -- and when I asked them why a slot versus a door -- versus the box, their position was a slot is actually already on the structure that the property owner owns, and therefore, they don't consider that their property, but the moment we affix a box on the outside, that officially becomes property of the U.S. Postal Service. That was their logic.

Because their regulation specifically excluded the door and the slots, we felt it appropriate to add those.

PRESIDENT TANDY: All right. Councilman Heiner.

COUNCILMAN HEINER: Thank you, Mr. President. Just for completeness of record here, I think this amendment also includes what's been distributed to us, a committee amendment in section 1 that said "unless the property owner has denied entry into their property," that that would be removed, that was approved in committee and replaced with the new section 2 that Councilman Ackerson described because it's -- it's clear. It just wasn't mentioned as part of this amendment, but I think it was intended by the Councilman to be part of this amendment.

COUNCILMAN B ACKERSON: Yes.

PRESIDENT TANDY: All right. Any further discussion? All right.

Seeing none, we now have the amendment before us. All in favor of the amendment, please signify by saying aye.

ALL PRESENT: AYE

All opposed. The ayes have it, and **the amendment passes**. We now have the amended ordinance before us. Is there any further discussion on the ordinance? Councilman Fleming.

COUNCILMAN FLEMING: Thank you. I also want to ask a question about section -- I guess the new section 6 in regards to the penalty and so forth. I guess IPL will enforce this, go to the Code Enforcement Board, but how will this actually be processed in terms of does it have to take -- does the individual who owns the property sees something, they call them up, and they come out and cite this person? Do they have the actual document so they can call and say hey, I got this from some somebody, and here's the company or whatever that's doing this? But that could have been placed by somebody else, and they might be penalized for something that they obviously, you know, went through that process, and I guess it would go through the Code Enforcement Board for deliberation, but it seemed to get a little arbitrary and hard to enforce. Because we pass a lot of ordinances, and quite a few ordinances we have a particularly hard time enforcing. Noise ordinance is one of the hardest.

So to me, you know, having -- having enforceability of this is going to be -- it's sort of a push. I just want to get some -- you know, get some thoughts from the author in regards to how the -- how this will be applied in terms of the penalty and so forth.

PRESIDENT TANDY: Councilman Ackerson.

COUNCILMAN B ACKERSON: That would be handled through the Code Enforcement Board. It would be like any other hearing before an administrative body where ultimately, the citer -- the board would have the burden of persuasion that the defender actually did this. It's not a question of just citing someone and they have to prove their innocence. So therefore, it's a question of going through a legal process of proving that the offender did, in fact, violate this ordinance. From there, they would assess an appropriate penalty.

PRESIDENT TANDY: Councilman Benson.

COUNCILMAN BENSON: Thank you, Mr. President. I want to explain my vote when we vote. I'm voting against this ordinance. I know everybody feels pretty strong, and that's one good thing about our community, we can vote however we feel.

When we first got in office, we had 5,000 ordinances we had to deal with, and I asked a number of people, I said if we don't approve all of the 5,000, what happens? They sunset. And I thought, boy, surely to goodness, 5,000 ordinance, we could get rid of a few laws. But we didn't, which may be good. But the whole county is not the same. You know, not everybody has neighborhoods. Now, if I want somebody -- I live in a rural area. My driveway's fairly long. I need to put a sign up saying no trespassing, which I feel is kind of unfriendly. Have somebody drive up my driveway makes me a little bit nervous, just for anybody wanting to come and distribute something on my porch. And I think a lot of the people in my area think we're regulated pretty extensively, and there's a lot of ordinances that you can't park your car on the grass, and somebody's got a hundred acres and they park their car on the grass, they get fined or they get warned. And you say, wait a minute, this is not a subdivision. You're parking in the front yard. But one law cannot really cover everybody, and we're trying to, and we're trying to do the best we can.

So in my district, we feel a little bit different, so -- and if some of my people in my district are upset because I'm voting against this, it's just because of regulation. We can regulate and regulate. Sometimes you try to improve people's behavior. When I was teaching school, there would be paper in the hallways, and I could see some teachers say hey, pick that up, tell somebody pick it up. It would just have been better if the teacher went over and picked the paper up. Example. Show people that we all are working for the common good of trying to make things better for everybody.

And so, I know a lot of people's hearts are in this and they think they're doing right, and I don't have a problem with that. I just have a problem with it's just not a good law for my -- my district. So thank you.

PRESIDENT TANDY: Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President. I guess I kind of agree with Councilman Fleming that this is about enforcement, and who is going to make the citation? Is it IPL? I thought the Code Enforcement Board was an appellate board, you go there when you're appealing being cited. I believe it's an overburdenous ordinance. We have enough laws that aren't enforced. We had the police there the other day, and they selectively enforce what they want to enforce. And I just think it's just adding too much. I think we have put the word out to the businesses, to the Courier, to other affected businesses that they need to be a little more cognizant about how they deliver these materials, and I'd like to see if that works myself. So I will be voting no.

PRESIDENT TANDY: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I will be voting yes on this ordinance. I don't believe it's much of a problem in my area as far as this unsolicited material. There's a problem in my area people throwing out cups and, you know, bags from restaurants. That's really what -- what's going on in District 3.

But back to Councilman Fleming's point for the sponsor here, civil penalty -- this is section 6 -- the civil penalty should be a minimum of \$100 and a maximum of \$200 for each violation. Now, can somebody be cited, say, two or three times a day anytime an inspector go by this particular property and here's some unsolicited material on somebody's driveway, in somebody's yard, on the sidewalk? I mean, this is a hypothetical, but could this possibly happen?

PRESIDENT TANDY: Councilman Ackerson.

COUNCILMAN B. ACKERSON: Well, what we're talking about here is not citing the property owner. We're talking about citing the deliverer. So the deliverer, under some theory, if the deliverer delivered a piece of material, came back in the afternoon, delivered another piece of material, then again in the evening, that would be three separate violations, yes. Hypothetically, that could happen.

I would ask the County Attorney to come forward. We did have a discussion in the Committee of Whole downstairs about this, the enforcement and such. I would ask that he share that same knowledge with the body as a whole here.

WILLIAM O'BRIEN: William O'Brien, Jefferson County Attorney's Office. I believe the question is the enforcement and the citing. First, as you all well know -- and I'm not sure I should even bring this up -- but the Louisville police are also responsible for enforcement of ordinances, so you have the police, you have the inspection permits and licensing who could cite. This goes before the code enforcement, which is a civil board that you all set up to review. You have placed citizens on there who should know the difficulties that each individual faces in this community, and I believe that you have appointed reasonable people to this board, and they will make a reasonable response based upon the defense that's presented.

I can answer questions about the Code Enforcement Board or I could invite you to attend tomorrow afternoon's session if you would wish to do so, but they handle currently the noise as well as -- as well as IPL, but IPL noise, seem to be the majority of what they are currently handling. They do not react based upon what I've seen in a very dictatorial manner. They listen to the citizens, and they have ruled against IPL, they have ruled against the citing officers on the noise. They are not just a rubber stamp of whoever has issued the citation.

PRESIDENT TANDY: Okay. Any further discussion? Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Yes. Thank you, Mr. President. My concern is, you know, in my neighborhood, we have a lot of young people that pass out material. It's kids. And it's usually churches that send out something saying it's going to be some type of, you know, program that night or whatever, and they have kids all over the neighborhood passing these pieces of paper out. Who is going to get cited? The kids or the churches?

PRESIDENT TANDY: Councilman Ackerson?

COUNCILMAN B ACKERSON: Well, first of all, the ordinance is not designed to discourage or prevent those organizations or children or whoever from delivering such. All we're doing is setting reasonable parameters of where they put it so you don't just run down the street or if it was a child riding down the street on the bicycle and just throw one out in each yard. It says here's the reasonable places to deliver unsolicited material, not solicited, things you ask for, but unsolicited materials.

And regarding who is going to be cited, the ordinance has a lot of discretion on who could be cited. It could be anyone from the person delivering it to the organization that has requested it be delivered. Hypothetically speaking, XYZ pizza company says we're going to hire some people to go in the neighborhood and deliver some coupons. That citation could go to the people delivering it if they improperly deliver it or it could also go to the organization that has retained them. The idea there is we want businesses to be aware of the fact that they could be cited, and therefore, they will hopefully police their people. They'll say look, you need to deliver this properly. And that's what we're paying you to do. If you're going to help us and volunteer, please do it properly.

So yes, the citations could be a broad range there. Ultimately, that would be up to the citer, and then that would go before the code enforcement.

PRESIDENT TANDY: Councilman Stuckel.

COUNCILMAN STUCKEL: Yes. My district, we received a lot of emails, but it was sort of surprising, none of them were from my district, and I don't believe in my area we really have a big problem with this. I am going to be voting for it but primarily because we've been promised a lawsuit, and it will be interesting to find out if this is constitutional or not. So I really don't expect it to become enforced for several years. I don't know how long it takes to settle lawsuits, but I'm sure that the Courier is going to fight this very fervently. So that's my vote.

PRESIDENT TANDY: Councilman Green.

COUNCILWOMAN GREEN: Thank you, Mr. President. My line of questioning was kind of in line with what Councilman Stuckel was saying. We've passed, as a council, several laws that have been overturned by the court or have been vetoed by the mayor. We've been getting correspondence from legal counsel with Courier Journal. Councilman Ackerson, have you researched and talked with our attorney to make sure we're not subject to litigation? I understand anybody can sue anybody, but I have not been intimately involved in the committee meeting in Public Safety, when you all discussed this.

PRESIDENT TANDY: Councilman?

COUNCILMAN B ACKERSON: Yes, Councilman Green, in responding to that, first of all, I'd like to say that I don't think threat of litigation should ever stop someone from doing what they believe is the right thing. Anyone can sue anyone for anything. Sometimes laws are upheld, sometimes they aren't. I have had discussions with the County Attorney's office. We have looked into this, and we feel very strongly that we do have a good ordinance here. But ultimately, that is something that the courts will decide. We have circuit courts, we have court of appeals, we have supreme courts, we have the Supreme Court of the United States, and courts differ, which is why we constantly appeal up and up and up. Can I promise you that this thing will not fail? I can't promise you that. I can say that we've done our due diligence.

We believe strongly in it. I ask for your support of this tonight, and ultimately, this will be for the courts to decide should the Courier Journal decide to bring a lawsuit about this. We're not the first city in this nation to attempt to address this, so when we looked at this ordinance, we did look at other cities that had addressed this, and theirs have been held up. There's been other cases where they haven't. It all depended on the language. And what we tried to do is we tried to learn from their mistakes and their successes. We feel that we've got a good law here, but ultimately, that will be for the courts to decide should litigation be filed.

COUNCILWOMAN GREEN: Thank you, and that satisfies what I wanted to know.

PRESIDENT TANDY: Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President. I just would like to reiterate that this is not aimed at any specific entity in this community. And I've heard some of my colleagues mention that some neighborhood children passing out pamphlets about something going on at an area church or picnic or even a yard sale. But I have to respond that those folks in my area of town have been very respectful of the community they live in, and they do their best to make it attach to your doorknob on your exterior door or some way this they just don't throw it at the end of your driveway and expect you to pick it up. They do it very thoughtfully. And that's all we're asking.

And you know, let's face it, in Councilwoman Vicki Welch's district as well as mine, and maybe other members of this Council have had hate mail by hate groups that are inflammatory and bigotry in nature thrown at the end of their driveways, and we don't want that either. They don't have the right to do that either on our property. Thank you, Mr. President.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President. I would encourage us to pass this tonight. It is an issue that we've heard a lot from our constituents over the last few years. And just to remind us too that while this particular ordinance has been in process and in committee for a couple of months, the issue has been one that our County Attorney's office and several of our council members have been working on for about a year and a half, maybe two years now. So in terms of due diligence, certainly that is the case, and also in the district, I've never had either church groups -- I have lots of church groups who deliver things. I've had the Yellow Pages, any number of Yellow Pages books that we get now, about 20 of them, I think, a year, and then political materials too. That was brought up as well. But I've never had any of those delivered at the end of my driveway. Those have -- those groups have always specifically, as well as most of the businesses -- I've never had a business deliver something to the end of my driveway other than those that are wrapped in the plastic and thrown out of the door -- I mean out of a car door. Know, I get the pizza delivery, those businesses that deliver, and those are always at my door. It seems like the practical thing to do because that's where I'm going to -- more likely to get it, but given that, there's really only a handful that don't make an effort to get it close to the door, and those are the -- those are the people that we're talking about tonight. And I'd like to think that we can just encourage them to do better, but I don't think that's going to be the case. I think it's going to take some enforcement here. So I would encourage people to vote yes tonight.

PRESIDENT TANDY: Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: I guess I need to respond to Councilwoman Flood's comment. Every one of our districts are completely different. As we sit here and listen, some of you get hate mail, some of you have driveways that are long or whatever. My concern is -- and I'll say it again -- that if you have children who are doing this, who would get fined? The children or the group? And that was my concern. So I have the right to have a concern just like you do, Ms. Flood. Thank you. I didn't like your comment.

PRESIDENT TANDY: Okay. Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: I want to go back and talk about the hate mail that's delivered to somebody's district. This ordinance doesn't cover that. I don't think we even need to bring that in there because certainly code enforcement or nobody else is going to catch the perpetrator and fine them for any type of hate mail. You know, they're not going to put their signature on it and throw it in the yard and say, you know, come and fine us. I don't think that's the intent of this ordinance. I'd like to see it passed. I think more is being said about this ordinance that it's not covering. It's not covering hate mail. If I'm putting hate mail in your yard or driveway, I am not going to leave my signature, Mary C. Woolridge, and enforce this. So -- you know, and I would like to see us pass this ordinance because it is a problem in some neighborhoods. Again, I'll repeat, this is not a problem in my neighborhood, but I have quite a few problems in my neighborhood, but this isn't one. But I'm certainly supporting this. Thank you, Mr. President.

PRESIDENT TANDY: Councilwoman Welch.

COUNCILWOMAN WELCH: Thank you, Mr. President. Councilwoman Woolridge, I wanted you to know when that incident happened to me during my campaign, the perpetrator was caught, it was known who he was, but the police could do nothing because of the freedom of speech and because we did not have an ordinance about throwing things on the driveways. Now, if we -- if we had had this ordinance in place for unsolicited information thrown on your driveway, they could have fined that guy thousands of dollars, and I would have loved it. So I just wanted you to know that -- that this will protect some of us from these things happening, hopefully, you know, in some of our campaigns and when some of these hateful things happen throughout our community.

PRESIDENT TANDY: Councilman Henderson.

COUNCILMAN HENDERSON: You know, I've listened to all this debate, and we've tried to do this a long time ago. I've not had one person that says I love those things you're throwing -- that they're throwing here. I've not had one. Maybe I've had more, but I've not had one. I went on Lower River Road the other day, there was about 15 of them laying in a house that has been empty for about a year, and it makes you kind of sick. So I think everything's been said here. I'd like to call the question, please.

COUNCILMAN KING: Second.

PRESIDENT TANDY: Moved and seconded. All in favor, say aye.

ALL PRESENT: AYE

Opposed?. Ayes have it. I skip over the nos? I did? I'm sorry.

Anybody opposed? No? Okay. Thank you. We now have the ordinance before us. Madam Clerk, it's an ordinance, calling for a roll call vote. Madam Clerk, please open the voting

VOTING RESULT – ITEM 20

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: NO

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: EXCUSED ABSENCE

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: ABSENT-NOT VOTING

RICK BLACKWELL: YES

VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: EXCUSED ABSENCE
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: NO
BRENT ACKERSON: YES

CLERK: There are 20 yes votes 3 no votes from Council members Hamilton, Benson and Hawkins and 3 members not voting, Council members Owen, Kramer and Downard.

PRESIDENT TANDY: **The ordinance as amended passes.** The next item of business is Item 21. Madam Clerk, a reading of this resolution, please.

21- R-61-04-09 A RESOLUTION DETERMINING A PARCEL OF REAL PROPERTY LOCATED ON THE SOUTH SIDE OF INTERSTATE 64 AND ON THE EAST SIDE OF FOURTH STREET, OWNED BY THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("LOUISVILLE") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS CONVEYANCE TO AL J. SCHNEIDER COMPANY [AS AMENDED].

Status: On Council Agenda - Old Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

PRESIDENT TANDY: May I have a motion?
COUNCILMAN ENGEL: Motion to approve.
COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the committee amended version before us. Is there any discussion? Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President. This was at our last Council meeting. We sent it back to the committee. We have -- at the committee meeting, we had great discussion with the County Attorney, with the Al J. Schneider company, and what you see today is -- and I improved one ordinance with an amendment that came out without opposition, and we encourage your support today.

PRESIDENT TANDY: All right. Any further discussion? Councilman Stuckel.

COUNCILMAN STUCKEL: I'd like to speak in favor of this particular ordinance. In fact, I'm sorry that Ron Wolf isn't here because this is one of the times that I'm in concert with the mayor, and he's very strong supporter of this, as was Bruce Traughber, who is in charge of economic development, and Tom Wood, I spoke with him today, with the Convention and Visitors Bureau. They're very strong about it.

For you that don't know where this property is, this is the property on River Road that abuts the east -- Galt House East at the -- there's a little triangular piece of property there

that -- that they park their big buses and RVs, that kind of thing down there. They do not charge for that parking. And that property can never be built on because under it is the LG&E lines that are running over to the new substation or whatever it is that they built down there, and River Road can never be widened because of the width right there at 3rd and 4th Street. So we don't have to worry about that.

The Galt House has used this property for years, and it's really important for our convention business because other buses park there besides the ones that are people staying at the Galt House. The Schneider's or their family, actually, pay millions of dollars in property taxes. They pay us over \$650,000 to rent the land that the Galt House West is built on. They pay millions of dollars in property taxes. They collect millions of dollars in transient taxes. That's the tax put on to your hotel people. They employ 1700 people who pay occupational taxes and are the cornerstone of our hospitality industry in this town. They've been excellent corporate partners, they do a lot for this city, and this is going to allow them access to build a drive coming out of an expansion of their parking garage, and that parking garage is going to be essential for the arena traffic. So with all those things in minds, I think this is really a good ordinance, it's a good move on our part, and the whole community is going to benefit. Thank you.

PRESIDENT TANDY: Councilman Brent Ackerson.

COUNCILMAN BRENT ACKERSON: Thank you, Mr. President. One, I would like to start off by saying I intend to vote for this ordinance. I think it's a good ordinance and is going to have a great result for this city. However, I would like to make an amendment from the floor to cover an issue that I think is a concern in the future, and I've handed out a copy of the language here that the amendment that I'd like to add to this. Essentially it's a right of reverter to the deed.

The reason for this -- I've heard discussions that we would never be able to build upon this. I've heard discussions that we would never be able to widen River Road. Never is a strong statement to make, and essentially, the ordinance that I'm going to read into the record here in just a second that I'm requesting that an amendment to this ordinance essentially covers the possibility of what if. What if in the future we do need to widen River Road and it is possible to do it? What's going to happen there is we're going to need to take that property back. That's going to happen one of two ways. One, we're either going to condemn the property as a city and pay a fair market value for it, which means we're going to sell it today for a dollar for good use, but in ten years from now, we may need to buy it back for a few hundred thousand dollars. In which case, the intended purpose of today would still be there because we're trying to get people out of their parking garage onto River Road. So we're saying here, we're going to go ahead and give you this strip here so that way you can go right out the garage onto River Road. If we widen River Road, they will still have access out. The question is will we buy that property at a fair market value or, pursuant to the amendment that I am going to put forward today, will we have a right to buy that property back for what they paid for it, the one dollar, and then compensate them for any improvements they put upon that property?

So what I'm proposing for an amendment here is language along the lines that would be included in the deed. *The deed should require right of reversion, upon notice by the grantee -- upon notice to the grantee by the grantor, (Louisville/Jefferson County Metro Government), if the property is needed for expansion of any roadway, the grantee shall deed to the grantor the property for the consideration paid for the property as defined in this resolution plus any improvements. Failure by the grantee to do so shall immediately result in the immediate right of reversion to the grantor.*

The idea there is, again, if, by chance, 15, 20 years from now we do need to widen this road. You are saying we can't build upon it. What are we going to pay for it? Are we going to pay an exorbitant price, look, we gave it to you for a dollar. You're still going to have the purpose. I am trying to protect our future. Never is a strong statement to make today. I've got a five-year-old and a seven-year-old. So this city's tax money when they're older in 15, 20 years, I'm hoping we make wise decisions today that will affect us. If we never need to widen River Road, then this is a safety valve that we'll never use, but I don't see a downside to this amendment. I'd ask to your support, and I do move the amendment.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: It's properly moved and seconded. We now have the amendment before us. Is there any discussion on the amendment? Councilman King.

COUNCILMAN KING: Thank you. This land really has no value to the City, and it's going to facilitate the function of the Galt House, so I'm in full support of them having this. With respect to this right of reverter, I was probably the first person to ask the question in committee the first time it came out of committee, what happens if we need this for right-of-way. I have since been convinced by the Galt House representatives that the -- the utility of their parking garage and the improvements that they're going to make on it could be impacted if we put some sort of feature in there that causes them to believe that the land would have to be given back.

So while I respect Councilman Ackerson's ideas and it is consistent with my concerns, this thing was processed at a previous committee meeting, it came here, it was sent back to committee, we sent it back out of committee without this feature because I became satisfied that it was much ado about nothing. And I -- I would say sitting here right now, because I'm concerned that if we do put this right of reverter in there, that we may end up having this thing come back to us again because it doesn't work for what they want to accomplish or they may say we're not going to do what we need to do here because of what you've done.

I'm satisfied that we don't need to do this, and again, I think it's probably much ado about nothing at this point, so I won't be supporting the amendment, but I will be supporting -- either way, I'll be voting for the transfer of the land.

PRESIDENT TANDY: Any further discussion on the amendment? Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Yes, Mr. President. Thank you. I'm a little confused, I believe, here. Seems like we're letting the Galt House use this land, but what we're saying, in the future, if we need this land back upon a notice, we can get the land back to widen or do whatever Louisville Metro wants to do with this property. Is that what I'm understanding with this -- with this amendment? And also, do we just go in to -- if this amendment passed, do we just go in, tell the Galt House tomorrow we want our land back and get it? Is there anything in here, any dates, being specific as to how we revert this land, the property?

PRESIDENT TANDY: Councilman Ackerson.

COUNCILMAN BRENT ACKERSON: First of all, we, as a city, can always take land back if we need it to widen a road or anything else. We do it all the time under eminent domain. We condemn the land and pay a fair market value. So this is something that, in the future, if we needed to do it -- even though we're hearing today that we couldn't ever do it -- if we wanted to do it and we needed to do it, we could do it. So the question is going to be would we pay whatever the value was at that time or would we pay the \$1 plus whatever improvements? We're essentially giving them something to benefit them and work together, and all we're saying is in the future, if we were in a position to require this for a public purpose, widening of the road or whatever else, the expressway maybe needed to be widened, the end result is, you know, we're setting that we get it back for the dollar plus any improvements. We're just setting a price today. That's all we're trying to do.

I would defer to the County Attorney's office on the rest of that question as far as, you know, timelines needed or whatever else.

PRESIDENT TANDY: Mr. O'Brien.

WILLIAM O'BRIEN: William O'Brien, Jefferson County Attorney's Office. Right of reverter has some restrictions on it that once the action has occurred, it must be done, I believe, within 20 years underneath the statutory authority.

This right of reverter is specific as to widening of roads, so it could only be for widening of roads, that upon demand -- and we can't just say we're widening 3rd Street -- we're widening 1st Street, so therefore, we want this property. It has to be a connection -- a reasonable connection with the property. But it is only conditioned upon the widening of either, I guess, at this time that would be what, the end of 4th street? The end of 4th street

and the interstate are the only two roads that match up there. So it would be conditioned upon some expansion of that and upon notice. If we don't give them notice, then they, of course, don't have to do it. But those would be the two conditions.

COUNCILWOMAN WOOLRIDGE: Thank you.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Thank you, Mr. President. I also have a question for the County Attorney. As I do recall, they were concerned about this type of language in the transfer and didn't know if you can, as Councilman King relayed, if you could shed any more light on what their concerns were.

WILLIAM O'BRIEN: I think council members who were present at the committee can shed more light on it, but as a practical matter, with a right of reverter and a deed, your interest can be diminished or taken away, and just like any one of us in here, if we have a piece of property, it's our property, and you know, you can't just come in and take it away. I'm sure that is a practical matter. If I was an attorney for a bank lending money, that would be a piece of property that they own, but I would want it on a separate schedule with the reasons why, because it's a reverter.

Since it's such a small piece in that area right there, probably would not make a practical business -- I don't -- it would not impact upon whether or not they got any money, but legally, you would separate it because it's not a common piece of property because you had that right of reverter where you could lose it. I don't -- but the council members who were present at the committee, they were here to explain it. I was not present at that meeting.

COUNCILMAN HEINER: And just another question -- and I appreciate that answer, and I know when lenders today are a little more nervous than ever, and anything that sort of plays with the title can sometimes be a problem in a mortgage or revising a mortgage. This doesn't speak to losing their -- their access or at least the proposed amendment doesn't speak to that. I'm wondering if there could be a presumption that if we include this and we widen River Road that if we're only paying them for the improvements, we may not pay them for the loss of the driveway. Let's say that somebody decided they shouldn't have a driveway there anymore because we're widening River Road and it's too close to the signal, whatever reason, which has a significant financial effect on them. I'm wondering if, when it says we pay them for the improvements, if that means the physical cost of the driveway but not the loss of, you know, use of a portion of the garage or efficient use of portion of the garage, and if this underlies their thoughts.

So let me maybe frame a question here. The language that we're talking about in this amendment, do you see that focusing on the physical loss of the improvements and, could be argued, ignores the loss of that entrance in the future?

WILLIAM O'BRIEN: If I may, Mr. President, I think the way that it is phrased, it is to reduce the cost to the Metro Government on a repurchase. As some of you may or may not know, under a condemnation, you have loss of use as well as the cost and value of the property. Here, Councilman Ackerson -- Ackerman -- I don't know who Councilman Ackerman is, but Councilman Ackerson has established what the price would be. It's a fair market value of the improvements and a dollar for the land. And that's a policy issue for you all to make a determination on.

PRESIDENT TANDY: Councilman Peden.

COUNCILMAN PEDEN: Yeah, if I could just speak as the person Mr. O'Brien was addressing earlier as someone who is on that committee. That was exactly the Galt House's -- Councilman Heiner, what he mentioned was exactly what the Galt House's concern was. They are designing this entire parking garage around this exit onto River Road for the most part. And although Councilman Ackerson is correct, we may one day need this land back, and I'm in agreement, I don't think we should ever have to pay more than what we gave it to them

for, which is nothing, they basically wanted some assurances that we would never want it back. And I know that's a tough one to do as well. But that was their single biggest concern is, is that this garage is being designed around this exit or the expansion of the garage is being designed around this exit, and if there was even the potential that they would -- could lose that exit, it would basically -- I believe the term -- loss of use would come into effect, and we may or may not need to compensate them for that in the long run even if we did take the land back for nothing.

So you know, if all that wording is in there, I'm fine with it, but again, as a committee member, that was exactly what they were worried about. It's not so much the land itself. It's the fact that the exit and the garage and everything revolves around that exit. If they stand a chance of losing that, that was a huge concern for them.

PRESIDENT TANDY: Councilwoman Green.

COUNCILWOMAN GREEN: Thank you. Mr. O'Brien, my question is with this amendment, why was the Galt House -- why would they want to make improvements if -- if we have this right of reverter? I would not want to invest if I were the Schnieder's if I knew looming in the back of my head that the city may come back and want it back. Is I think that's my problem with this -- so I think that's my problem with this amendment, Mr. Ackerson. Maybe you can help me on that like you did on the last one. Or Mr. O'Brien. I'm sorry.

WILLIAM O'BRIEN: It may be more appropriate to address that question to one of the committee members. So I'll call on Councilman Peden.

COUNCILMAN PEDEN: Just -- the -- as far as the improvements go that you mentioned, there are no improvements to this land. It's going to stay as is. They only need it to be able -- we are only doing this so that they can drive across it. They're not building anything on it. I mean, at best, they may, like, position a parking block so everybody knows you go out that way as opposed to this way. But there's no actual structure going on it. As a matter of fact, whoever mentioned it earlier, with the LG&E lines running underneath it, you're not allowed to build on it. It's technically, I guess, maybe even a documented utility easement. I don't really know. So all they're wanting to ever, ever, ever do is drive across it out their exit of their parking garage.

PRESIDENT TANDY: Councilman Stuckel.

COUNCILMAN STUCKEL: I guess I'm going to try to clear up something, and this isn't about the amendment, but I made a pretty strong statement, I said they could never widen River Road, and Councilman Ackerson rightly said never is a pretty strong word. You know, it could happen. However, part of the history of this is the Galt House deeded some property to LG&E so they could build their substation. If they widen River Road, they are going to have to take part of the substation, which I don't think that's going to happen. And then secondly, I think it impacts the arena also, that widening would impact the arena, and I'm not so sure the arena is going to give up a chunk of their property. So that's why I made the statement. I just -- I guess I'm sort of in agreement with the people that sort of feel this is redundant.

COUNCILMAN TANDY: Councilman Brent Ackerson.

COUNCILMAN BRENT ACKERSON: Thank you, Mr. President. One, on the redundancy thing, if they never widen it, then again, this is a safety valve that is not needed, but I think what we're talking about here, because, A, I'm hearing you can't build on it, you can't do anything except drive across it, so I think of my driveway. I've got a sidewalk. So my driveway might be 50 feet long, then there's a ten-foot section between the sidewalk and the -- and the street. This would be the functional equivalent of saying if the city ever needed to come and condemn that section of my right-of-way between the sidewalk and the street to expand Browns Lane, which I live on Browns Lane, they need to expand that and widen Browns Lane, I'm still going to have access out because now essentially my driveway is just ten feet shorter. The idea here is specifically limiting this right of reversion to roadway

expansion. If, in fact, we do need to expand it, they want out onto River Road. If we expand River Road, we are going to be condemning that property. The question is what are we going to pay for it? They are still going to have an exit out. So that's not the issue. All I'm trying to do is just to say in the future, if something happens, we're setting a price that says if we give you something free today for that benefit, we want it back at a minimal cost in the future.

PRESIDENT TANDY: Councilwoman Ward-Pugh.

COUNCILWOMAN WARD-PUGH: My question has been answered. Thank you.

PRESIDENT TANDY: All right. Councilman Fleming.

COUNCILMAN FLEMING: Call the question.

COUNCILMAN KING: Second.

PRESIDENT TANDY: Without objection, the question is being called. We now have the amendment before us. All in favor, please signify by saying aye.

SOME: AYE

All opposed.

SOME: NO

Madam Clerk, please allow for a roll call vote. Voting is closing. And the voting is closed.

VOTING RESULT – ITEM 21-FLOOR AMENDMENT B.ACKERSON

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: NO

PRESIDENT DAVID TANDY: NO

CHERI BRYANT HAMILTON: NO

GEORGE UNSELD: NO

KEN FLEMING: NO

TOM OWEN: EXCUSED ABSENCE

TINA WARD-PUGH: YES

JIM KING: NO

KEVIN KRAMER: ABSENT-NOT VOTING

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: NO

KELLY DOWNARD: EXCUSED ABSENCE

GLEN STUCKEL: NO

JON ACKERSON: YES

HAL HEINER: NO

STUART BENSON: NO

DAN JOHNSON: YES

ROBIN ENGEL: NO

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: NO

BRENT ACKERSON: YES

CLERK: There are ten yes votes, 12 no votes, and four not voting. Those voting yes, Council Members Green, Shanklin, Ward-Pugh, Blackwell, Welch, Henderson, Jon Ackerson, Peden, Flood, and Brent Ackerson.

PRESIDENT TANDY: **The amendment fails.** We now have the amended resolution before us. Is there any further discussion on the committee-amended resolution?

Seeing none, the resolution calls for a voice vote.

All in favor, please signify by saying aye.

ALL PRESENT: AYE

All opposed. The ayes have it. **The resolution as amended is adopted.**

The next item of business is --

COUNCILMAN PEDEN: Mr. President.

PRESIDENT TANDY: Yes.

COUNCILMAN PEDEN: Before we move to new business, I have a request that I never personally think about unless we're here, and as -- we've had this new software system now for several months, and it continues to have glitches like we saw tonight. There are ordinances that are listed in such computer gibberish you can't read them. It jumps around like crazy when you're reading something, then magically it's not in front of you anymore. So as a member of the Committee on Committees, may I make a personal request that we take this up maybe with some IT folks and some solutions, some sort of program we can get to fix it or go back to the old one or something because it -- it just doesn't get it done anymore. And I just bring that up. If anybody else wants to chime in and -- or second that or anything. I see a lot of thumbs up. Tonight, with votes disappearing, I think that's pretty much over the line.

PRESIDENT TANDY: All right. Duly noted, and I hear amen's all around.

Next item of business is new business. Containing items 22 through 32. Madam Clerk, a reading of those items, and their assignment to committee.

NEW BUSINESS:

22- O-93-06-09 AN ORDINANCE APPROPRIATING A TOTAL OF \$6000 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS, \$5000 FROM DISTRICT 6; \$1000 FROM DISTRICT 15, TO KENTUCKY SHAKESPEARE FESTIVAL, INC FOR PROGRAM EXPENSES RELATED TO THE SUMMER SEASON OF SHAKESPEARE IN CENTRAL PARK EVENTS.

Status: On Council Agenda - New Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: George Unseld,

23- O-95-06-09 AN ORDINANCE RELATING TO THE 2009-10 CAPITAL BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT INCLUDING APPROPRIATIONS AND AUTHORIZATIONS OF FUNDS FOR GENERAL CONSTRUCTION, MAINTENANCE, REPAIR AND IMPROVEMENT OF THE FACILITIES AND ASSETS OF THE GOVERNMENT OF LOUISVILLE/JEFFERSON COUNTY AND OTHER LOUISVILLE METRO-SUPPORTED ACTIVITIES FOR 2009-10.

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: Jim King

24- O-96-06-09 AN ORDINANCE RELATING TO THE 2009-10 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT INCLUDING APPROPRIATIONS AND AUTHORIZATIONS FOR OPERATION, MAINTENANCE, SUPPORT, AND FUNCTIONING OF THE GOVERNMENT AND ITS VARIOUS OFFICERS, DEPARTMENTS, COMMISSIONS, INSTITUTIONS, AGENCIES, AND OTHER METRO-SUPPORTED ACTIVITIES.

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: Jim King

25- R-95-06-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (TILFORD DOBBINS ALEXANDER BUCKAWAY AND BLACK PLLC - \$100,000.00).

Status: On Council Agenda - New Business

Committee: Contracts and Appointments

Primary Sponsor: Madonna Flood

26- R-96-06-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (LOUISVILLE FEDERATION OF MUSICIANS LOCAL NUMBER 11-637 - \$30,000.00).

Status: On Council Agenda - New Business

Committee: Contracts and Appointments

Primary Sponsor: David Tandy

27- R-97-06-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - (FAMILY AND CHILDREN FIRST, INC. D/B/A FAMILY AND CHILDREN'S PLACE, INC. - \$86,001.00).

Status: On Council Agenda - New Business

Committee: Contracts and Appointments

Primary Sponsor: Barbara Shanklin

28- R-98-06-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED AMENDMENT TO CONTRACT – CYRACOM INTERNATIONAL, INC. - \$38,500.00).

Status: On Council Agenda - New Business

Committee: Contracts and Appointments

Primary Sponsor: Dan Johnson

29- R-99-06-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – (CAPTION FIRST, INC.- \$2,500.00).

Status: On Council Agenda - New Business

Committee: Contracts and Appointments

Primary Sponsor: David Tandy

30- R-100-06-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT – (CAPTION FIRST, INC.- \$15,000.00).

Status: On Council Agenda - New Business

Committee: Contracts and Appointments

Primary Sponsor: David Tandy

31- R-101-06-09 A RESOLUTION DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION TO THE COUNCIL ON AN AMENDMENT TO SECTION 4.4.1 OF THE LAND DEVELOPMENT CODE CONCERNING PORTABLE STORAGE DEVICES. (12-17-09)

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: James Peden,

32- O-94-06-09 AN ORDINANCE AMENDING SECTION 32.253 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES, AND ADDING SECTION 32.263 CONCERNING APPEALS. (12-17-09)

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen,

33- R-107-06-09 A RESOLUTION DIRECTING THE LOUISVILLE METRO PLANNING COMMISSION TO HOLD A PUBLIC HEARING ON AN AMENDMENT TO CHAPTER 1, PART 1 OF THE LAND DEVELOPMENT CODE, PERTAINING TO EXPIRATION DATES FOR DEVELOPMENT PLANS, AND TO FORWARD ITS RECOMMENDATION ON SAID AMENDMENT TO THE METRO COUNCIL, AND TO CONSIDER MAKING A SIMILAR AMENDMENT TO CHAPTER 7 OF THE LAND DEVELOPMENT CODE, PERTAINING TO EXPIRATION DATES FOR SUBDIVISION PLANS. (12-17-09)

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsors: Kelly Downard
Tom Owen

ADJOURNMENT:

There being no further business, the **Regular June 11, 2009** Metro Council meeting adjourned without objection at 7:50 PM EDT.

Kathleen J. Herron, Metro Council Clerk

David W. Tandy, Metro Council President

Announcements were made by Councilwoman Woolridge and Councilman Blackwell.
